



February 22, 2008

ENGROSSED SENATE BILL No. 148

DIGEST OF SB 148 (Updated February 20, 2008 7:33 pm - DI 92)

Citations Affected: IC 4-10; IC 4-12; IC 4-13; IC 12-8; IC 31-19; IC 31-25; IC 31-27; IC 31-33; IC 31-34; IC 31-38; IC 31-39; IC 34-30; noncode.

Synopsis: Social services. Establishes a state family and children's reserve fund. Requires the budget agency to prepare an updated surplus statement each quarter. Provides for a department of child services ombudsman. Extends the authorization of the office of the secretary of family and social services, certain divisions within the office, and the office of Medicaid policy and planning to January 1, 2010. Repeals provisions providing for the expiration on January 1, 2008, of the office of the secretary of family and social services, certain divisions within the office, and the office of Medicaid policy and planning. Provides that actions taken after December 31, 2007, under the expired provisions are legalized and validated to the extent the actions would have been legal and valid before January 1, 2008. Makes an appropriation

Effective: December 31, 2007 (retroactive); upon passage; June 1, 2008; July 1, 2008.

Miller, Sipes

(HOUSE SPONSOR — BROWN C)

January 8, 2008, read first time and referred to Committee on Health and Provider Services.

January 10, 2008, reported favorably — Do Pass.

January 15, 2008, read second time, ordered engrossed. Engrossed.

January 17, 2008, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

January 30, 2008, read first time and referred to Committee on Rules and Legislative Procedures.

February 18, 2008, reassigned to Committee on Ways and Means.

February 21, 2008, amended, reported — Do Pass.

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ES 148—LS 6501/DI 104+



February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 148

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-10-18-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
3 chapter:
4 "Adjusted personal income" for a particular calendar year means the
5 adjusted state personal income for that year as determined under
6 section 3(b) of this chapter.
7 "Annual growth rate" for a particular calendar year means the
8 percentage change in adjusted personal income for the particular
9 calendar year as determined under section 3(c) of this chapter.
10 "Budget director" refers to the director of the budget agency
11 established under IC 4-12-1.
12 "Costs" means the cost of construction, equipment, land, property
13 rights (including leasehold interests), easements, franchises, leases,
14 financing charges, interest costs during and for a reasonable period
15 after construction, architectural, engineering, legal, and other
16 consulting or advisory services, plans, specifications, surveys, cost
17 estimates, and other costs or expenses necessary or incident to the

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1 acquisition, development, construction, financing, and operating of an
2 economic growth initiative.

3 "Current calendar year" means a calendar year during which a
4 transfer to or from the fund is initially determined under sections 4 and
5 of this chapter.

6 "Economic growth initiative" means:

7 (1) the construction, extension, or completion of sewerlines,
8 waterlines, streets, sidewalks, bridges, roads, highways, public
9 ways, and any other infrastructure improvements;

10 (2) the leasing or purchase of land and any site improvements to
11 land;

12 (3) the construction, leasing, or purchase of buildings or other
13 structures;

14 (4) the rehabilitation, renovation, or enlargement of buildings or
15 other structures;

16 (5) the leasing or purchase of machinery, equipment, or
17 furnishings; or

18 (6) the training or retraining of employees whose jobs will be
19 created or retained as a result of the initiative.

20 "Fund" means the counter-cyclical revenue and economic
21 stabilization fund established under this chapter.

22 "General fund revenue" means all general purpose tax revenue and
23 other unrestricted general purpose revenue of the state, including
24 federal revenue sharing monies, credited to the state general fund and
25 from which appropriations may be made. The term "general fund
26 revenue" does not include revenue held in the reserve for tuition
27 support under IC 4-12-1-12 **or transferred to the state family and**
28 **children's reserve fund.**

29 "Implicit price deflator for the gross national product" means the
30 implicit price deflator for the gross national product, or its closest
31 equivalent, which is available from the United States Bureau of
32 Economic Analysis.

33 "Political subdivision" has the meaning set forth in IC 36-1-2-13.

34 "Qualified economic growth initiative" means an economic growth
35 initiative that is:

36 (1) proposed by or on behalf of a political subdivision to promote
37 economic growth, including the creation or retention of jobs or
38 the infrastructure necessary to create or retain jobs;

39 (2) supported by a financing plan by or on behalf of the political
40 subdivision in an amount at least equal to the proposed amount of
41 the grant under section 15 of this chapter; and

42 (3) estimated to cost not less than twelve million five hundred

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thousand dollars (\$12,500,000).

"State personal income" means state personal income as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

"Total state general fund revenue" for a particular state fiscal year means the amount of that revenue for the particular state fiscal year as finally determined by the auditor of state.

"Transfer payments" means transfer payments as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

SECTION 2. IC 4-1-12-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19. Not later than February 1, May 1, August 1, and November 1, the budget agency shall prepare a general summary setting forth aggregate figures showing:**

- (1) the total of actual and proposed state expenditures;
- (2) the total of actual and anticipated state income; and
- (3) the estimated surplus or deficit for the remainder of the current state fiscal year and the current budget period.

The summary must include an estimate of the amount of money that the budget agency anticipates will be needed in the current state fiscal year and the current budget period from the state family and children's reserve fund to fund the expenditures of the department of child services. A summary under this section must be based on the best information available at the time that the summary is prepared and must reflect reversions and allotment decisions that affect the surplus and deficient estimates.

SECTION 3. IC 12-8-1-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. This chapter expires January 1, 2010.**

SECTION 4. IC 12-8-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. This chapter expires January 1, 2010.**

SECTION 5. IC 12-8-6-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. This chapter expires January 1, 2010.**

SECTION 6. IC 12-8-8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. This chapter expires January 1, 2010.**

SECTION 7. IC 4-12-1-15.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2008]: **Sec. 15.8. (a) As used in this section, "fund" refers to the**

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(b) The state family and children's reserve fund is established for the following purposes:

(1) To fund the costs incurred by the department of child services whenever the budget director determines that state general fund cash balances are insufficient to cover the expenditures.

(2) To meet revenue shortfalls whenever the budget director, after review by the budget committee, determines that state tax revenues available for deposit in the state general fund will be insufficient to fully fund costs incurred by the department of child services in any particular state fiscal year.

(c) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly.

(2) Money transferred to the fund under any law.

(3) Interest earned on the balance of the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert for any other purpose of the state general fund.

(f) The budget agency shall administer the fund. Whenever the budget director makes a determination under subsection (b)(1) or (b)(2), the budget agency shall notify the auditor of state of the amount from the fund to be used for the department of child services. The auditor of state shall transfer the amount from the fund to the appropriate fund for used by the department of child services. The amount transferred may be used only for the purposes of paying the costs incurred by the department of child services. If the amount is transferred under subsection (b)(1), the amount shall be repaid to the fund from the state general fund before the end of the state fiscal year in which the transfer is made.

(g) This subsection applies in any state fiscal year in which money is reverted to the state general fund from appropriations for the state fiscal year. Not later than June 30 of the state fiscal year the budget agency shall:

(1) determine whether the balance of the fund is at least equal to five percent (5%) of the amount appropriated to the department of child services from state revenues for the immediately following state fiscal year; and

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(2) provide for the transfer of an amount to the fund that is equal to the lesser of the following:

(A) The total amount reverted to the state general fund from appropriations made in the state fiscal year.

(B) The amount necessary to maintain a balance in the fund on the immediately following July 1 that is at least equal to five percent (5%) of the amount appropriated from state revenues to the department of child services for the state fiscal year.

SECTION 8. IC 4-13-1-4, AS AMENDED BY P.L.1-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The department shall, subject to this chapter, do the following:

(1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.

(2) Supervise and regulate the making of contracts by state agencies.

(3) Perform the property management functions required by IC 4-20.5-6.

(4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.

(5) Maintain and operate the following for state agencies:

(A) Central duplicating.

(B) Printing.

(C) Machine tabulating.

(D) Mailing services.

(E) Centrally available supplemental personnel and other essential supporting services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund is established through which these services may be rendered to state agencies. The budget agency shall determine the amount for the general services rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by

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a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining

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to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.2.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

(18) Administer, determine salaries, and determine other personnel matters of the department of child services ombudsman bureau established by IC 4-13-19-3.

SECTION 9. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 19. Department of Child Services Ombudsman Bureau

Sec. 1. As used in this chapter, "bureau" refers to the department of child services ombudsman bureau established by section 3 of this chapter. The term includes individuals approved to act in the capacity of ombudsmen by the department of child services ombudsman bureau.

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints that the department of child services endangered the health and safety of any person, or that the department of child services violated specific laws, rules, or written policies.

Sec. 3. The department of child services ombudsman bureau is established as a separate bureau within the department of administration.

Sec. 4. (a) The governor shall appoint a director of the bureau. The governor shall appoint a successor director within thirty (30) days after a vacancy occurs in the position of the director. The director serves at the pleasure of the governor.

(b) The director may employ technical experts and other employees to carry out the purposes of this chapter. However, the

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1 director may not hire an individual to serve as an ombudsman who
 2 has been employed by the department of child services during the
 3 preceding twelve (12) months.

4 Sec. 5. (a) The ombudsman may receive, investigate, and
 5 attempt to resolve complaints that the department of child
 6 services:

7 (1) violated a specific law, rule, or department written policy;

8 or

9 (2) endangered the health or safety of any person by an action
 10 or omission.

11 (b) The ombudsman may, on the ombudsman's own initiative,
 12 review a child's death that is sudden, unexpected, or unexplained
 13 to determine whether the department of child services:

14 (1) violated a specific law, rule, or department written policy;

15 or

16 (2) endangered the health or safety of any person by an action
 17 or omission.

18 (c) The ombudsman shall not investigate a complaint from an
 19 employee of the department of child services that relates to the
 20 employee's employment relationship with the department of child
 21 services.

22 (d) At the conclusion of an investigation of a complaint, the
 23 ombudsman shall report the ombudsman's findings to the
 24 complainant.

25 (e) If the ombudsman does not investigate a complaint, the
 26 ombudsman shall notify the complainant of the decision not to
 27 investigate and the reasons for the decision.

28 Sec. 6. (a) An ombudsman shall be given:

29 (1) appropriate access to the records of an offender who files
 30 a complaint under this chapter; and

31 (2) immediate access to any correctional facility administered
 32 or supervised by the department of correction.

33 (b) A state or local government agency or entity that has records
 34 that are relevant to a complaint or an investigation conducted by
 35 the ombudsman shall provide the ombudsman with access to the
 36 records.

37 (c) A person is immune from:

38 (1) civil or criminal liability; and

39 (2) actions taken under a professional disciplinary procedure
 40 or procedures related to the termination or imposition of
 41 penalties under a contract dealing with an employee or
 42 contractor of the department of child services;

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for the release or disclosure of records to the ombudsman under this chapter.

Sec. 7. (a) The ombudsman shall do the following:

(1) Establish procedures to receive and investigate complaints.

(2) Establish access controls for all information maintained by the bureau.

(3) Except as is necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:

(A) the complainant's written consent; or

(B) a court order.

(b) The correspondence and communication between the ombudsman and any person is a privileged communication.

Sec. 8. The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.

Sec. 9. The ombudsman is not civilly liable for the good faith performance of official duties.

Sec. 10. (a) The director of the bureau shall prepare a report each year on the operations of the bureau.

(b) A copy of the report shall be provided to the following:

(1) The governor.

(2) The legislative council.

(3) The department.

(4) The department of child services.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 11. A person who:

(1) intentionally interferes with or prevents the completion of the work of the ombudsman;

(2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or

(4) makes threats because of an investigation or potential investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;

commits a Class A misdemeanor.

Sec. 12. The department of administration shall provide and maintain office space for the bureau.

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SECTION 10. IC 31-19-19-2, AS AMENDED BY P.L.145-2006, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

(1) the county office of family and children;

(2) the department; or

(3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, or IC 31-19-25.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

(1) are open to the inspection of the court hearing the petition for adoption; ~~and~~

(2) on order of the court, may be:

(A) introduced into evidence; and

(B) made a part of the record;

in the adoption proceeding; **and**

(3) are open to the inspection of the department of child services ombudsman bureau.

SECTION 11. IC 31-25-2-20.4, AS ADDED BY P.L.138-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20.4. (a) The department shall establish at least three (3) citizen review panels in accordance with the requirements of the federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106a.

(b) A citizen review panel consists of volunteer members who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(c) The department shall appoint the citizen review panels in the following manner:

(1) One (1) panel must be a community child protection team established in a county under IC 31-33-3-1, selected by the director of the department with the consent of the team.

(2) One (1) panel must be either:

(A) the statewide child fatality review committee established under IC 31-33-25-6; or

(B) a local child fatality review team established under IC 31-33-24-6;

selected by the director of the department with the consent of the committee or team.

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(3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by the department through a county office and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department through a county office and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

(5) Each citizen review panel shall be appointed for a term of three (3) years beginning July 1, 2007. Upon expiration of the term of the panel described in subdivision (1), the director of the department shall select a community child protection team established in a different county for the succeeding term. Upon expiration of the term of the panel described in subdivision (2), the director of the department shall select a different fatality review team, or committee, if available, for the succeeding term. Panels appointed under subdivision (3) or (4) may be reappointed for successive terms, in the discretion of the director of the department. The director may appoint individuals as needed to fill vacancies that occur during the term of any panel appointed under subdivision (3) or (4).

(d) A citizen review panel shall evaluate the extent to which a child welfare agency is effectively discharging the agency's child protection responsibilities by examining:

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- (1) the policies and procedures of child welfare agencies;
- (2) if appropriate, specific child protective services cases; and
- (3) other criteria the citizen review panel considers important to ensure the protection of children.

(e) Each citizen review panel shall:

- (1) meet at least one (1) time every three (3) months; and
- (2) prepare and make available to the department and the public an annual report that contains a summary of the activities of the citizen review panel.

(f) The department shall, not more than six (6) months after the date the department receives a report from a citizen review panel under subsection (e), submit to the citizen review panel a written response indicating whether and how the department will incorporate the recommendations of the citizen review panel. The department shall at the same time provide appropriate child welfare agencies with copies of the department's written response.

(g) A child welfare agency shall make all reports and other materials in the child welfare agency's possession available to a citizen review panel established under this section, including any reports and materials that the child welfare agency has received from other agencies.

(h) A member of a citizen review panel may not disclose to a person or government official any identifying information that is provided to the citizen review panel about:

- (1) a specific child protective services case or child welfare agency case;
- (2) a child or member of the child's family who is the subject of a child protective services investigation; or
- (3) any other individuals identified in confidential reports, documents, or other materials.

(i) If a member of a citizen review panel violates subsection (h), the department may remove the member from the citizen review panel.

(j) A child welfare agency shall cooperate and work with each citizen review panel established under this section.

SECTION 12. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Cooperation with Department of Child Services Ombudsman

Sec. 1. As used in this chapter, "bureau" refers to the department of child services ombudsman bureau established within the department of administration by IC 4-13-19-3. The term

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1 includes individuals approved to act in the capacity of ombudsmen
2 by the department of correction ombudsman bureau.

3 **Sec. 2. As used in this chapter, "ombudsman" means an**
4 **employee of the bureau or an individual approved by the bureau**
5 **to investigate and resolve complaints regarding the health and**
6 **safety of any person, and violations by the department of specific**
7 **laws, rules, or written policies.**

8 **Sec. 3. The department and each juvenile court shall provide an**
9 **ombudsman with:**

10 (1) appropriate access to the records of a child who is the
11 subject of an investigation by the ombudsman; and

12 (2) immediate access to any facility in which a child who is the
13 subject of an investigation by the ombudsman is placed or is
14 receiving services funded by the department.

15 SECTION 13. IC 31-27-3-18, AS AMENDED BY P.L.138-2007,
16 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2008]: Sec. 18. (a) A licensee shall keep records regarding
18 each child in the control and care of the licensee as the department
19 requires and shall report to the department upon request the facts the
20 department requires with reference to children.

21 (b) The department shall keep records regarding children and facts
22 learned about children and the children's parents or relatives
23 confidential.

24 (c) The following have access to records regarding children and
25 facts learned about children:

26 (1) A state agency involved in the licensing of the child caring
27 institution.

28 (2) A legally mandated child protection agency.

29 (3) A law enforcement agency.

30 (4) An agency having the legal responsibility to care for a child
31 placed at the child caring institution.

32 (5) The parent, guardian, or custodian of the child at the child
33 caring institution.

34 (6) A citizen review panel established under IC 31-25-2-20.4.

35 **(7) The department of child services ombudsman bureau.**

36 SECTION 14. IC 31-27-4-21, AS AMENDED BY P.L.138-2007,
37 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2008]: Sec. 21. (a) A licensee shall keep records required by
39 the department regarding each child in the control and care of the
40 licensee and shall report to the department upon request the facts the
41 department requires with reference to children.

42 (b) The department shall keep records regarding children and facts

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1 learned about children and the children's parents or relatives
2 confidential.

3 (c) The following have access to records regarding children and
4 facts learned about children:

5 (1) A state agency involved in the licensing of the foster family
6 home.

7 (2) A legally mandated child protection agency.

8 (3) A law enforcement agency.

9 (4) An agency having the legal responsibility to care for a child
10 placed at the foster family home.

11 (5) The parent, guardian, or custodian of the child at the foster
12 family home.

13 (6) A citizen review panel established under IC 31-25-2-20.4.

14 **(7) The department of child services ombudsman bureau.**

15 SECTION 15. IC 31-27-5-18, AS AMENDED BY P.L.138-2007,
16 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2008]: Sec. 18. (a) A licensee shall keep records required by
18 the department regarding each child in the control and care of the
19 licensee and shall report to the department, upon request, the facts the
20 department requires with reference to children.

21 (b) The department shall keep records regarding children and facts
22 learned about children and the children's parents or relatives
23 confidential.

24 (c) The following have access to records regarding children and
25 facts learned about children:

26 (1) A state agency involved in the licensing of the group home.

27 (2) A legally mandated child protection agency.

28 (3) A law enforcement agency.

29 (4) An agency having the legal responsibility to care for a child
30 placed at the group home.

31 (5) The parent, guardian, or custodian of the child at the group
32 home.

33 (6) A citizen review panel established under IC 31-25-2-20.4.

34 **(7) The department of child services ombudsman bureau.**

35 SECTION 16. IC 31-27-6-15, AS AMENDED BY P.L.138-2007,
36 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2008]: Sec. 15. (a) A licensee shall keep records required by
38 the department regarding each child in the control and care of the
39 licensee and shall report to the department upon request the facts the
40 department requires with reference to children.

41 (b) The department shall keep records regarding children and facts
42 learned about children and the children's parents or relatives

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confidential.

(c) The following have access to records regarding children and facts learned about children:

- (1) A state agency involved in the licensing of the child placing agency.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) A citizen review panel established under IC 31-25-2-20.4.

(5) The department of child services ombudsman bureau.

SECTION 17. IC 31-33-18-1, AS AMENDED BY P.L.145-2006, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

- (1) Reports made under this article (or IC 31-6-11 before its repeal).
- (2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:
 - (A) the division of family resources;
 - (B) the county office; or
 - (C) the department.

(b) Except as provided in section 1.5 of this chapter, all records held by:

- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; ~~or~~
- (5) the statewide child fatality review committee established under IC 31-33-25; ~~or~~

(6) the department of child services ombudsman bureau;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 18. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.5. (a) This section applies to records held by:

- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; ~~or~~
- (5) the statewide child fatality review committee established

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under IC 31-33-25; or

(6) the department of child services ombudsman bureau;

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

(1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or

(2) a prosecuting attorney files:

(A) an indictment or information; or

(B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

(1) "identifying information" means information that identifies an individual, including an individual's:

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under

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1 state or federal law, a record described in subsection (a) that has been
 2 redacted in accordance with this section is not confidential and may be
 3 disclosed to any person who requests the record. The person requesting
 4 the record may be required to pay the reasonable expenses of copying
 5 the record.

6 (e) When a person requests a record described in subsection (a), the
 7 entity having control of the record shall immediately transmit a copy of
 8 the record to the court exercising juvenile jurisdiction in the county in
 9 which the death or near fatality of the child occurred. However, if the
 10 court requests that the entity having control of a record transmit the
 11 original record, the entity shall transmit the original record.

12 (f) Upon receipt of the record described in subsection (a), the court
 13 shall, within thirty (30) days, redact the record to exclude:

- 14 (1) identifying information described in subsection (c)(1)(B)
 15 through (c)(1)(F) of a person; and
- 16 (2) all identifying information of a child less than eighteen (18)
 17 years of age.

18 (g) The court shall disclose the record redacted in accordance with
 19 subsection (f) to any person who requests the record, if the person has
 20 paid:

- 21 (1) to the entity having control of the record, the reasonable
 22 expenses of copying under IC 5-14-3-8; and
- 23 (2) to the court, the reasonable expenses of copying the record.

24 (h) The court's determination under subsection (f) that certain
 25 identifying information or other information is not relevant to
 26 establishing the facts and circumstances leading to the death or near
 27 fatality of a child is not admissible in a criminal proceeding or civil
 28 action.

29 SECTION 19. IC 31-33-18-2, AS AMENDED BY P.L.138-2007,
 30 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2008]: Sec. 2. The reports and other material described in
 32 section 1(a) of this chapter and the unredacted reports and other
 33 material described in section 1(b) of this chapter shall be made
 34 available only to the following:

- 35 (1) Persons authorized by this article.
- 36 (2) A legally mandated public or private child protective agency
 37 investigating a report of child abuse or neglect or treating a child
 38 or family that is the subject of a report or record.
- 39 (3) A police or other law enforcement agency, prosecuting
 40 attorney, or coroner in the case of the death of a child who is
 41 investigating a report of a child who may be a victim of child
 42 abuse or neglect.

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(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's

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purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

(21) The department of child services ombudsman bureau.

SECTION 20. IC 31-33-24-9, AS AMENDED BY P.L.225-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) A local child fatality review team consists of the following members:

(1) A coroner or deputy coroner from the area served by the local

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child fatality review team.

(2) A representative from:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

from the area served by the local child fatality review team.

(3) A physician residing or practicing medicine in the area served by the local child fatality review team.

(4) A representative of law enforcement from the area served by the local child fatality review team.

(5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.

(6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.

(7) A representative of the prosecuting attorney from the area served by the local child fatality review team.

(8) A pathologist with forensic experience who is licensed to practice medicine in Indiana and who, if feasible, is certified by the American Board of Pathology in forensic pathology.

(9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.

(10) A representative from the department of child services ombudsman bureau.

(b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 6 of this chapter shall:

(1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinance adopted.

(c) If a local child fatality review team is established in a region, the county legislative bodies that voted to establish the local child fatality review team under section 6 of this chapter shall:

(1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under

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the ordinances adopted.

SECTION 21. IC 31-33-25-6, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual **or the department of child services ombudsman bureau.**

(c) A request submitted under subsection (b) must set forth:

- (1) the name of the child;
- (2) the age of the child;
- (3) the county where the child died;
- (4) whether a local child fatality review team reviewed the death; and
- (5) the cause of death of the deceased child.

SECTION 22. IC 31-33-25-8, AS AMENDED BY P.L.225-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) a coroner or deputy coroner;
- (2) a representative from:
 - (A) the state department of health established by IC 16-19-1-1;
 - (B) a local health department established under IC 16-20-2; or
 - (C) a multiple county health department established under IC 16-20-3;
- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;
- (8) a pathologist who is:
 - (A) certified by the American Board of Pathology in forensic pathology; and
 - (B) licensed to practice medicine in Indiana;
- (9) a mental health provider;
- (10) a representative of a child abuse prevention program; ~~and~~

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(11) a representative of the department of education; **and**
 (12) **a representative of the department of child services**
ombudsman bureau.

SECTION 23. IC 31-33-26-5, AS ADDED BY P.L.138-2007,
 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2008]: Sec. 5. (a) Subject to the accessibility to files provided
 in subsection (b), at least ten (10) levels of security for confidentiality
 in the index must be maintained.

(b) The index must have a comprehensive system of limited access
 to information as follows:

(1) The index must be accessed only by the entry of an operator
 identification number and a password.

(2) A child welfare caseworker must be allowed to access only:

(A) cases that are assigned to the caseworker; and

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A).

(3) A child welfare supervisor may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker who reports to the
 supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A) or (B).

(D) Cases that are unassigned.

(4) To preserve confidentiality in the workplace, child welfare
 managers, as designated by the department, may access any case,
 except restricted cases involving:

(A) a state employee; or

(B) the immediate family member of a state employee;

who has access to the index. Access to restricted information
 under this subdivision may be obtained only if an additional level
 of security is implemented.

(5) Access to records of authorized users, including passwords, is
 restricted to:

(A) users designated by the department as administrators; and

(B) the administrator's level of access as determined by the
 department.

(6) Ancillary programs that may be designed for the index may
 not be executed in a manner that would circumvent the index's

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log-on security measures.

(7) Certain index functions must be accessible only to index operators with specified levels of authorization as determined by the department.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the department.

(10) The department of child services ombudsman bureau shall have unlimited access to the index concerning:

(A) complaints filed with; or

(B) cases being investigated by;

the department of child services ombudsman bureau.

SECTION 24. IC 31-34-21-1, AS AMENDED BY P.L.146-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order the department to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department to file a report every three (3) months after the dispositional decree is entered on the progress made in implementing the decree.

(c) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

(d) A juvenile court may refer a case to the department of child services ombudsman bureau to investigate the implementation of a dispositional decree.

SECTION 25. IC 31-38-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Each committee has the following members:

(1) The director of the county office of family and children or the director's designee.

(2) The director of the community mental health center or a managed care provider (as defined in IC 12-7-2-127(b)) serving the child's area of residence or the director's designee.

(3) The superintendent of the school corporation in which the child is legally settled or the superintendent's designee.

(4) The child's parent or guardian, who is a nonvoting member.

(5) If a guardian ad litem has been appointed, the child's guardian ad litem, who is a nonvoting member.

(6) If a special advocate has been appointed, the child's court appointed special advocate, who is a nonvoting member.

(7) If requested by the chairman, a representative of the local

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health department, who is a nonvoting member.

(8) If requested by the chairman, a representative of any other agency or community organization, who is a nonvoting member.

SECTION 26. IC 31-39-2-6, AS AMENDED BY P.L.145-2006, SECTION 359, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The records of the juvenile court are available without a court order to:

(1) the attorney for the department of child services; or

(2) any authorized staff member of:

(A) the county office;

(B) the department of child services; ~~or~~

(C) the department of correction; **or**

(D) the department of child services ombudsman bureau.

SECTION 27. IC 31-39-4-7, AS AMENDED BY P.L.145-2006, SECTION 361, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. The records of a law enforcement agency are available, without specific permission from the head of the agency, to: ~~the:~~

(1) the attorney for the department of child services or any authorized staff member; **or**

(2) any authorized staff member of the department of child services ombudsman bureau.

SECTION 28. IC 31-39-9-1, AS ADDED BY P.L.67-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:

(1) A court.

(2) A law enforcement agency.

(3) The department of correction.

(4) The department of child services.

(5) The office of the secretary of family and social services.

(6) A primary or secondary school, including a public or nonpublic school.

(7) The department of child services ombudsman bureau.

SECTION 29. IC 34-30-2-39.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 39.6. IC 4-13-19-6 (Concerning a person who releases information to the department of child services ombudsman).**

SECTION 30. IC 34-30-2-39.7 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2008]: **Sec. 39.7. IC 4-13-19-9 (Concerning**
 3 **the department of child services ombudsman).**

4 SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE
 5 DECEMBER 31, 2007 (RETROACTIVE)]: IC 12-8-1-10;
 6 IC 12-8-2-12; IC 12-8-6-10; IC 12-8-8-8.

7 SECTION 32. [EFFECTIVE JULY 1, 2008] **There is appropriated**
 8 **one hundred fifty thousand dollars (\$150,000) to the department of**
 9 **administration from the state general fund for the purposes of the**
 10 **total operating expenses of the department of child services**
 11 **ombudsman bureau, beginning July 1, 2008, and ending June 30,**
 12 **2009.**

13 SECTION 33. [EFFECTIVE DECEMBER 31, 2007
 14 (RETROACTIVE)] **Actions taken under IC 12-8-1, IC 12-8-2,**
 15 **IC 12-8-6, and IC 12-8-8 after December 31, 2007, and before the**
 16 **passage of this act are legalized and validated to the extent that**
 17 **those actions would have been legal and valid if this act had been**
 18 **adopted before January 1, 2008.**

19 SECTION 34. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 148 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Engrossed Senate Bill 148.

MILLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Adjusted personal income" for a particular calendar year means the adjusted state personal income for that year as determined under section 3(b) of this chapter.

"Annual growth rate" for a particular calendar year means the percentage change in adjusted personal income for the particular calendar year as determined under section 3(c) of this chapter.

"Budget director" refers to the director of the budget agency established under IC 4-12-1.

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"Costs" means the cost of construction, equipment, land, property rights (including leasehold interests), easements, franchises, leases, financing charges, interest costs during and for a reasonable period after construction, architectural, engineering, legal, and other consulting or advisory services, plans, specifications, surveys, cost estimates, and other costs or expenses necessary or incident to the acquisition, development, construction, financing, and operating of an economic growth initiative.

"Current calendar year" means a calendar year during which a transfer to or from the fund is initially determined under sections 4 and 5 of this chapter.

"Economic growth initiative" means:

- (1) the construction, extension, or completion of sewerlines, waterlines, streets, sidewalks, bridges, roads, highways, public ways, and any other infrastructure improvements;
- (2) the leasing or purchase of land and any site improvements to land;
- (3) the construction, leasing, or purchase of buildings or other structures;
- (4) the rehabilitation, renovation, or enlargement of buildings or other structures;
- (5) the leasing or purchase of machinery, equipment, or furnishings; or
- (6) the training or retraining of employees whose jobs will be created or retained as a result of the initiative.

"Fund" means the counter-cyclical revenue and economic stabilization fund established under this chapter.

"General fund revenue" means all general purpose tax revenue and other unrestricted general purpose revenue of the state, including federal revenue sharing monies, credited to the state general fund and from which appropriations may be made. The term "general fund revenue" does not include revenue held in the reserve for tuition support under IC 4-12-1-12 **or transferred to the state family and children's reserve fund.**

"Implicit price deflator for the gross national product" means the implicit price deflator for the gross national product, or its closest equivalent, which is available from the United States Bureau of Economic Analysis.

"Political subdivision" has the meaning set forth in IC 36-1-2-13.

"Qualified economic growth initiative" means an economic growth initiative that is:

- (1) proposed by or on behalf of a political subdivision to promote

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economic growth, including the creation or retention of jobs or the infrastructure necessary to create or retain jobs;

(2) supported by a financing plan by or on behalf of the political subdivision in an amount at least equal to the proposed amount of the grant under section 15 of this chapter; and

(3) estimated to cost not less than twelve million five hundred thousand dollars (\$12,500,000).

"State personal income" means state personal income as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

"Total state general fund revenue" for a particular state fiscal year means the amount of that revenue for the particular state fiscal year as finally determined by the auditor of state.

"Transfer payments" means transfer payments as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

SECTION 2. IC 4-1-12-19 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 19. Not later than February 1, May 1, August 1, and November 1, the budget agency shall prepare a general summary setting forth aggregate figures showing:**

- (1) the total of actual and proposed state expenditures;**
- (2) the total of actual and anticipated state income; and**
- (3) the estimated surplus or deficit for the remainder of the current state fiscal year and the current budget period.**

The summary must include an estimate of the amount of money that the budget agency anticipates will be needed in the current state fiscal year and the current budget period from the state family and children's reserve fund to fund the expenditures of the department of child services. A summary under this section must be based on the best information available at the time that the summary is prepared and must reflect reversions and allotment decisions that affect the surplus and deficient estimates.

SECTION 3. IC 12-8-1-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 16. This chapter expires January 1, 2010.**

SECTION 4. IC 12-8-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 13. This chapter expires January 1, 2010.**

SECTION 5. IC 12-8-6-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 11. This chapter expires January 1, 2010.**



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SECTION 6. IC 12-8-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. This chapter expires January 1, 2010.**

SECTION 7. IC 4-12-1-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2008]: **Sec. 15.8. (a) As used in this section, "fund" refers to the**

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(b) The state family and children's reserve fund is established for the following purposes:

(1) To fund the costs incurred by the department of child services whenever the budget director determines that state general fund cash balances are insufficient to cover the expenditures.

(2) To meet revenue shortfalls whenever the budget director, after review by the budget committee, determines that state tax revenues available for deposit in the state general fund will be insufficient to fully fund costs incurred by the department of child services in any particular state fiscal year.

(c) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly.

(2) Money transferred to the fund under any law.

(3) Interest earned on the balance of the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert for any other purpose of the state general fund.

(f) The budget agency shall administer the fund. Whenever the budget director makes a determination under subsection (b)(1) or (b)(2), the budget agency shall notify the auditor of state of the amount from the fund to be used for the department of child services. The auditor of state shall transfer the amount from the fund to the appropriate fund for used by the department of child services. The amount transferred may be used only for the purposes of paying the costs incurred by the department of child services. If the amount is transferred under subsection (b)(1), the amount shall be repaid to the fund from the state general fund before the end of the state fiscal year in which the transfer is made.

(g) This subsection applies in any state fiscal year in which money is reverted to the state general fund from appropriations for

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the state fiscal year. Not later than June 30 of the state fiscal year the budget agency shall:

(1) determine whether the balance of the fund is at least equal to five percent (5%) of the amount appropriated to the department of child services from state revenues for the immediately following state fiscal year; and

(2) provide for the transfer of an amount to the fund that is equal to the lesser of the following:

(A) The total amount reverted to the state general fund from appropriations made in the state fiscal year.

(B) The amount necessary to maintain a balance in the fund on the immediately following July 1 that is at least equal to five percent (5%) of the amount appropriated from state revenues to the department of child services for the state fiscal year.

SECTION 8. IC 4-13-1-4, AS AMENDED BY P.L.1-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The department shall, subject to this chapter, do the following:

(1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.

(2) Supervise and regulate the making of contracts by state agencies.

(3) Perform the property management functions required by IC 4-20.5-6.

(4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.

(5) Maintain and operate the following for state agencies:

(A) Central duplicating.

(B) Printing.

(C) Machine tabulating.

(D) Mailing services.

(E) Centrally available supplemental personnel and other essential supporting services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund is established through which these services

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may be rendered to state agencies. The budget agency shall determine the amount for the general services rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

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(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.2.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

(18) Administer, determine salaries, and determine other personnel matters of the department of child services ombudsman bureau established by IC 4-13-19-3.

SECTION 9. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 19. Department of Child Services Ombudsman Bureau

Sec. 1. As used in this chapter, "bureau" refers to the department of child services ombudsman bureau established by section 3 of this chapter. The term includes individuals approved to act in the capacity of ombudsmen by the department of child services ombudsman bureau.

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints that the department of child services endangered the health and safety of any person, or that the department of child services violated specific laws, rules, or written policies.

Sec. 3. The department of child services ombudsman bureau is established as a separate bureau within the department of administration.

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Sec. 4. (a) The governor shall appoint a director of the bureau. The governor shall appoint a successor director within thirty (30) days after a vacancy occurs in the position of the director. The director serves at the pleasure of the governor.

(b) The director may employ technical experts and other employees to carry out the purposes of this chapter. However, the director may not hire an individual to serve as an ombudsman who has been employed by the department of child services during the preceding twelve (12) months.

Sec. 5. (a) The ombudsman may receive, investigate, and attempt to resolve complaints that the department of child services:

- (1)** violated a specific law, rule, or department written policy; or
- (2)** endangered the health or safety of any person by an action or omission.

(b) The ombudsman may, on the ombudsman's own initiative, review a child's death that is sudden, unexpected, or unexplained to determine whether the department of child services:

- (1)** violated a specific law, rule, or department written policy; or
- (2)** endangered the health or safety of any person by an action or omission.

(c) The ombudsman shall not investigate a complaint from an employee of the department of child services that relates to the employee's employment relationship with the department of child services.

(d) At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

(e) If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

Sec. 6. (a) An ombudsman shall be given:

- (1)** appropriate access to the records of an offender who files a complaint under this chapter; and
- (2)** immediate access to any correctional facility administered or supervised by the department of correction.

(b) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombudsman shall provide the ombudsman with access to the records.

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(c) A person is immune from:

- (1) civil or criminal liability; and
- (2) actions taken under a professional disciplinary procedure or procedures related to the termination or imposition of penalties under a contract dealing with an employee or contractor of the department of child services;

for the release or disclosure of records to the ombudsman under this chapter.

Sec. 7. (a) The ombudsman shall do the following:

- (1) Establish procedures to receive and investigate complaints.
- (2) Establish access controls for all information maintained by the bureau.
- (3) Except as is necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:
 - (A) the complainant's written consent; or
 - (B) a court order.

(b) The correspondence and communication between the ombudsman and any person is a privileged communication.

Sec. 8. The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.

Sec. 9. The ombudsman is not civilly liable for the good faith performance of official duties.

Sec. 10. (a) The director of the bureau shall prepare a report each year on the operations of the bureau.

(b) A copy of the report shall be provided to the following:

- (1) The governor.
- (2) The legislative council.
- (3) The department.
- (4) The department of child services.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 11. A person who:

- (1) intentionally interferes with or prevents the completion of the work of the ombudsman;
- (2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;
- (3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or
- (4) makes threats because of an investigation or potential

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investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;
commits a Class A misdemeanor.

Sec. 12. The department of administration shall provide and maintain office space for the bureau.

SECTION 10. IC 31-19-19-2, AS AMENDED BY P.L.145-2006, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

- (1) the county office of family and children;
- (2) the department; or
- (3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, or IC 31-19-25.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

- (1) are open to the inspection of the court hearing the petition for adoption; ~~and~~
- (2) on order of the court, may be:
 - (A) introduced into evidence; and
 - (B) made a part of the record;
 in the adoption proceeding; **and**
- (3) are open to the inspection of the department of child services ombudsman bureau.**

SECTION 11. IC 31-25-2-20.4, AS ADDED BY P.L.138-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20.4. (a) The department shall establish at least three (3) citizen review panels in accordance with the requirements of the federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106a.

(b) A citizen review panel consists of volunteer members who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(c) The department shall appoint the citizen review panels in the following manner:

- (1) One (1) panel must be a community child protection team established in a county under IC 31-33-3-1, selected by the director of the department with the consent of the team.
- (2) One (1) panel must be either:

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(A) the statewide child fatality review committee established under IC 31-33-25-6; or

(B) a local child fatality review team established under IC 31-33-24-6;

selected by the director of the department with the consent of the committee or team.

(3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by the department through a county office and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department through a county office and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

(5) Each citizen review panel shall be appointed for a term of three (3) years beginning July 1, 2007. Upon expiration of the term of the panel described in subdivision (1), the director of the department shall select a community child protection team established in a different county for the succeeding term. Upon expiration of the term of the panel described in subdivision (2), the director of the department shall select a different fatality review team, or committee, if available, for the succeeding term. Panels appointed under subdivision (3) or (4) may be reappointed for successive terms, in the discretion of the director of the

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department. The director may appoint individuals as needed to fill vacancies that occur during the term of any panel appointed under subdivision (3) or (4).

(d) A citizen review panel shall evaluate the extent to which a child welfare agency is effectively discharging the agency's child protection responsibilities by examining:

- (1) the policies and procedures of child welfare agencies;
- (2) if appropriate, specific child protective services cases; and
- (3) other criteria the citizen review panel considers important to ensure the protection of children.

(e) Each citizen review panel shall:

- (1) meet at least one (1) time every three (3) months; and
- (2) prepare and make available to the department and the public an annual report that contains a summary of the activities of the citizen review panel.

(f) The department shall, not more than six (6) months after the date the department receives a report from a citizen review panel under subsection (e), submit to the citizen review panel a written response indicating whether and how the department will incorporate the recommendations of the citizen review panel. The department shall at the same time provide appropriate child welfare agencies with copies of the department's written response.

(g) A child welfare agency shall make all reports and other materials in the child welfare agency's possession available to a citizen review panel established under this section, including any reports and materials that the child welfare agency has received from other agencies.

(h) A member of a citizen review panel may not disclose to a person or government official any identifying information that is provided to the citizen review panel about:

- (1) a specific child protective services case or child welfare agency case;
- (2) a child or member of the child's family who is the subject of a child protective services investigation; or
- (3) any other individuals identified in confidential reports, documents, or other materials.

(i) If a member of a citizen review panel violates subsection (h), the department may remove the member from the citizen review panel.

(j) A child welfare agency shall cooperate and work with each citizen review panel established under this section.

SECTION 12. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]:

Chapter 5. Cooperation with Department of Child Services Ombudsman

Sec. 1. As used in this chapter, "bureau" refers to the department of child services ombudsman bureau established within the department of administration by IC 4-13-19-3. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints regarding the health and safety of any person, and violations by the department of specific laws, rules, or written policies.

Sec. 3. The department and each juvenile court shall provide an ombudsman with:

- (1) appropriate access to the records of a child who is the subject of an investigation by the ombudsman; and
- (2) immediate access to any facility in which a child who is the subject of an investigation by the ombudsman is placed or is receiving services funded by the department.

SECTION 13. IC 31-27-3-18, AS AMENDED BY P.L.138-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

- (1) A state agency involved in the licensing of the child caring institution.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the child caring institution.
- (5) The parent, guardian, or custodian of the child at the child caring institution.
- (6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman bureau.

SECTION 14. IC 31-27-4-21, AS AMENDED BY P.L.138-2007,

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SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

- (1) A state agency involved in the licensing of the foster family home.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the foster family home.
- (5) The parent, guardian, or custodian of the child at the foster family home.
- (6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman bureau.

SECTION 15. IC 31-27-5-18, AS AMENDED BY P.L.138-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department, upon request, the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

- (1) A state agency involved in the licensing of the group home.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the group home.
- (5) The parent, guardian, or custodian of the child at the group home.
- (6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman bureau.

SECTION 16. IC 31-27-6-15, AS AMENDED BY P.L.138-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

- (1) A state agency involved in the licensing of the child placing agency.
- (2) A legally mandated child protection agency.
- (3) A law enforcement agency.
- (4) A citizen review panel established under IC 31-25-2-20.4.

(5) The department of child services ombudsman bureau.

SECTION 17. IC 31-33-18-1, AS AMENDED BY P.L.145-2006, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

- (1) Reports made under this article (or IC 31-6-11 before its repeal).
- (2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:
 - (A) the division of family resources;
 - (B) the county office; or
 - (C) the department.

(b) Except as provided in section 1.5 of this chapter, all records held by:

- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; ~~or~~
- (5) the statewide child fatality review committee established under IC 31-33-25; **or**

(6) the department of child services ombudsman bureau;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 18. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.5. (a) This section applies to records held by:

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- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; ~~or~~
- (5) the statewide child fatality review committee established under IC 31-33-25; **or**

(6) the department of child services ombudsman bureau;

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:
 - (A) an indictment or information; or
 - (B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

- (1) "identifying information" means information that identifies an individual, including an individual's:
 - (A) name, address, date of birth, occupation, place of employment, and telephone number;
 - (B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
 - (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;
 - (D) unique electronic identification number, address, or routing code;
 - (E) telecommunication identifying information; or
 - (F) telecommunication access device, including a card, a plate,

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a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

- (1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and
- (2) all identifying information of a child less than eighteen (18) years of age.

(g) The court shall disclose the record redacted in accordance with subsection (f) to any person who requests the record, if the person has paid:

- (1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and
- (2) to the court, the reasonable expenses of copying the record.

(h) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 19. IC 31-33-18-2, AS AMENDED BY P.L.138-2007, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency

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investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child

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protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

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(21) The department of child services ombudsman bureau.

SECTION 20. IC 31-33-24-9, AS AMENDED BY P.L.225-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) A local child fatality review team consists of the following members:

- (1) A coroner or deputy coroner from the area served by the local child fatality review team.
- (2) A representative from:
 - (A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;
 - (B) a local health department established under IC 16-20-2; or
 - (C) a multiple county health department established under IC 16-20-3;

from the area served by the local child fatality review team.

- (3) A physician residing or practicing medicine in the area served by the local child fatality review team.
- (4) A representative of law enforcement from the area served by the local child fatality review team.
- (5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.
- (6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.
- (7) A representative of the prosecuting attorney from the area served by the local child fatality review team.
- (8) A pathologist with forensic experience who is licensed to practice medicine in Indiana and who, if feasible, is certified by the American Board of Pathology in forensic pathology.
- (9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.

(10) A representative from the department of child services ombudsman bureau.

(b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and
- (2) appoint members to the local child fatality review team under the ordinance adopted.

(c) If a local child fatality review team is established in a region, the

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county legislative bodies that voted to establish the local child fatality review team under section 6 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local child fatality review team; and
- (2) appoint members to the local child fatality review team under the ordinances adopted.

SECTION 21. IC 31-33-25-6, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

- (1) sudden;
- (2) unexpected; or
- (3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual **or the department of child services ombudsman bureau.**

- (c) A request submitted under subsection (b) must set forth:
- (1) the name of the child;
 - (2) the age of the child;
 - (3) the county where the child died;
 - (4) whether a local child fatality review team reviewed the death; and
 - (5) the cause of death of the deceased child.

SECTION 22. IC 31-33-25-8, AS AMENDED BY P.L.225-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

- (1) a coroner or deputy coroner;
- (2) a representative from:
 - (A) the state department of health established by IC 16-19-1-1;
 - (B) a local health department established under IC 16-20-2; or
 - (C) a multiple county health department established under IC 16-20-3;
- (3) a pediatrician;
- (4) a representative of law enforcement;
- (5) a representative from an emergency medical services provider;
- (6) the director or a representative of the department;
- (7) a representative of a prosecuting attorney;

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- (8) a pathologist who is:
 - (A) certified by the American Board of Pathology in forensic pathology; and
 - (B) licensed to practice medicine in Indiana;
- (9) a mental health provider;
- (10) a representative of a child abuse prevention program; ~~and~~
- (11) a representative of the department of education; **and**
- (12) a representative of the department of child services ombudsman bureau.**

SECTION 23. IC 31-33-26-5, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Subject to the accessibility to files provided in subsection (b), at least ten (10) levels of security for confidentiality in the index must be maintained.

(b) The index must have a comprehensive system of limited access to information as follows:

- (1) The index must be accessed only by the entry of an operator identification number and a password.
- (2) A child welfare caseworker must be allowed to access only:
 - (A) cases that are assigned to the caseworker; and
 - (B) other cases or investigations that involve:
 - (i) a family member of a child; or
 - (ii) a child;
 who is the subject of a case described in clause (A).
- (3) A child welfare supervisor may access only the following:
 - (A) Cases assigned to the supervisor.
 - (B) Cases assigned to a caseworker who reports to the supervisor.
 - (C) Other cases or investigations that involve:
 - (i) a family member of a child; or
 - (ii) a child;
 who is the subject of a case described in clause (A) or (B).
 - (D) Cases that are unassigned.
- (4) To preserve confidentiality in the workplace, child welfare managers, as designated by the department, may access any case, except restricted cases involving:
 - (A) a state employee; or
 - (B) the immediate family member of a state employee;
 who has access to the index. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.
- (5) Access to records of authorized users, including passwords, is

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restricted to:

- (A) users designated by the department as administrators; and
- (B) the administrator's level of access as determined by the department.
- (6) Ancillary programs that may be designed for the index may not be executed in a manner that would circumvent the index's log-on security measures.
- (7) Certain index functions must be accessible only to index operators with specified levels of authorization as determined by the department.
- (8) Files containing passwords must be encrypted.
- (9) There must be two (2) additional levels of security for confidentiality as determined by the department.
- (10) The department of child services ombudsman bureau shall have unlimited access to the index concerning:**
 - (A) complaints filed with; or**
 - (B) cases being investigated by;**
- the department of child services ombudsman bureau.**

SECTION 24. IC 31-34-21-1, AS AMENDED BY P.L.146-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order the department to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department to file a report every three (3) months after the dispositional decree is entered on the progress made in implementing the decree.

(c) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

(d) A juvenile court may refer a case to the department of child services ombudsman bureau to investigate the implementation of a dispositional decree.

SECTION 25. IC 31-38-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Each committee has the following members:

- (1) The director of the county office of family and children or the director's designee.
- (2) The director of the community mental health center or a managed care provider (as defined in IC 12-7-2-127(b)) serving the child's area of residence or the director's designee.
- (3) The superintendent of the school corporation in which the child is legally settled or the superintendent's designee.

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- (4) The child's parent or guardian, who is a nonvoting member.
- (5) If a guardian ad litem has been appointed, the child's guardian ad litem, who is a nonvoting member.
- (6) If a special advocate has been appointed, the child's court appointed special advocate, who is a nonvoting member.
- (7) If requested by the chairman, a representative of the local health department, who is a nonvoting member.
- (8) If requested by the chairman, a representative of any other agency or community organization, who is a nonvoting member.

SECTION 26. IC 31-39-2-6, AS AMENDED BY P.L.145-2006, SECTION 359, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The records of the juvenile court are available without a court order to:

- (1) the attorney for the department of child services; or
- (2) any authorized staff member of:
 - (A) the county office;
 - (B) the department of child services; ~~or~~
 - (C) the department of correction; **or**
 - (D) the department of child services ombudsman bureau.**

SECTION 27. IC 31-39-4-7, AS AMENDED BY P.L.145-2006, SECTION 361, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. The records of a law enforcement agency are available, without specific permission from the head of the agency, to: ~~the~~

- (1) ~~the~~ attorney for the department of child services or any authorized staff member; **or**
- (2) any authorized staff member of the department of child services ombudsman bureau.**

SECTION 28. IC 31-39-9-1, AS ADDED BY P.L.67-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:

- (1) A court.
- (2) A law enforcement agency.
- (3) The department of correction.
- (4) The department of child services.
- (5) The office of the secretary of family and social services.
- (6) A primary or secondary school, including a public or nonpublic school.
- (7) The department of child services ombudsman bureau.**

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SECTION 29. IC 34-30-2-39.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 39.6. IC 4-13-19-6 (Concerning a person who releases information to the department of child services ombudsman).**

SECTION 30. IC 34-30-2-39.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 39.7. IC 4-13-19-9 (Concerning the department of child services ombudsman).**".

Page 1, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 32. [EFFECTIVE JULY 1, 2008] **There is appropriated one hundred fifty thousand dollars (\$150,000) to the department of administration from the state general fund for the purposes of the total operating expenses of the department of child services ombudsman bureau, beginning July 1, 2008, and ending June 30, 2009.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 148 as printed January 11, 2008.)

CRAWFORD, Chair

Committee Vote: yeas 23, nays 0.

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